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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3512 OF 2016

Zakir Hussain Ladlesahab Sayyed	 Petitioner.
V/s.	
The Deputy Commissioner of Police	 Respondent

Mr. U. N. Tripathi, for the Petitioner.
Mr J. P. Yagnik, APP for the Respondent .

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 6th DECEMBER, 2016.

P.C. :

1. Heard Mr. Tripathi, learned counsel appearing on behalf of petitioner and Mr. Yagnik, learned APP appearing on behalf of respondent State.
2. By this petition filed under Article 226 of the Constitution of India, petitioner is challenging the externment order passed under Sections 56(1) (a) and (b) of the Maharashtra Police Act (for short called as, "the said Act"), and confirmed by the Appellate Authority.
3. Mr. Tripathi makes following three submissions:-
 - I) Subjective satisfaction that witnesses are not willing to

come forward to give evidence in public against the petitioner by a reason of apprehension on their part as regards safety of their person and property, is not recorded either in the notice under Section 59 or in an order passed under Section 56(a) and 56(b) of the said Act.

ii) The date of on which in-camera statements are recorded, is not disclosed.

iii) That the competent authority has considered extraneous material and petitioner was not made aware of it in the notice under Section 59 of the Act.

4. So far as first ground is concerned, we have gone through notice as well as externment order and find that the Externment Authority had recorded subjective satisfaction that the witnesses are not coming forward to give evidence in public against the petitioner by a reason of apprehension on their part as regards safety of their person and property.

5. So far as second ground of objection is concerned, in-camera statements do disclose that same were recorded about 1 to 2 months after the incident in question.

6. So far as third ground of objection is concerned, we find reference of representation of 90 to 100 persons against the petitioner. However, the impugned order shows that externment authority has relied upon in-camera statements and therefore, no prejudice is caused to the

petitioner.

7. Taking overall facts and circumstances of the case, we are not inclined to interfere in the impugned order as the same is without any merit.

8. The petition, therefore, stands dismissed.

9. Interim orders, if any granted earlier, stand vacated.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE,J.]